

IN SENATE OF THE UNITED STATES.

JUNE 21, 1848.

Submitted, and ordered to be printed.

Mr. BRIGHT made the following.

REPORT:

[To accompany bill S. No. 287.]

*The Committee on Revolutionary Claims, to whom was referred the "petition of the heirs and legal representatives of George Gibson, deceased, praying commutation pay," have had the same under consideration, and report:*

The facts in the case, as reported to the House of Representatives at the 1st session of the 24th Congress, by the Hon. Mr. Muhlenberg, from the Committee on Revolutionary Claims, are as follows:

"Colonel Gibson was a brave and meritorious officer. He entered the service of his country at the commencement of the revolution; enlisted a hundred men at Pittsburg, then under the jurisdiction of Virginia; marched to Williamsburg, and was commissioned a captain in the Virginia line. Powder and lead becoming scarce, the government of Virginia selected him as a person well qualified to conduct a secret negotiation with the Spanish government for a supply. He was successful in procuring it, not only for the State of Virginia, but engaged a resident merchant of eminence (Oliver Pollock,) to ship large quantities to the States in Spanish vessels. On his return he was offered a pecuniary recompense or promotion, and accepted the latter. He was accordingly appointed colonel of the first Virginia regiment.

"With this regiment he continued, and was in all the severe engagements in the north, subsequent to the battle of Germantown, until 1781, when the regiment, being nearly annihilated, was ordered to the south to recruit. He then became a supernumerary, but was shortly afterwards ordered to march the prisoners, taken with Cornwallis, to York, in Pennsylvania, and they remained under his charge until sent to England.

"Colonel Gibson's services did not, however, close with the revolutionary war. In 1790 he was appointed by General Washington a colonel of one of the regiments recruiting for General St. Clair's army, and was ordered to the west to assist in the campaign against the northwest Indians. He fell on the fatal 4th of Novem-

ber, 1791, sustaining the character for bravery and coolness which had ever distinguished him.

"Colonel Gibson's regiment was originally a State regiment. About the 1st of June, 1777, it was ordered to the north, and joined General Washington two days after the battle of Germantown, (*vide* Washington's Letters, vol. 2, p. 180,) and was placed on continental establishment, in lieu of Matthews' regiment, which was taken by the enemy in that battle, by an act of the Virginia legislature, in these words: '*Be it enacted*, That the battalion on commonwealth establishment, under the command of Col. George Gibson, and now in the continental service, be continued in the said service instead of the 9th Virginia regiment, made prisoners in the battle of Germantown.' This act was never repealed. Colonel Matthews' regiment never resumed its place in the line, and Gibson's remained until 1781, when it was ordered home to recruit.

"In addition to this proof of the character of the regiment, it is proper to state that the War Department decided, on the 12th of January, 1830, 'that the regiment commanded by Colonel George Gibson was a continental regiment from October, 1777.' The Treasury Department also so decided. In consequence of which the benefit of the act of May 15, 1828, applicable only to the continental line, was extended to a number of individuals belonging to this regiment. Congress itself has viewed the regiment as continental, having passed an act, allowing to the heirs of an officer belonging to that regiment, 'five years' full pay, with such interest as would have accrued if a certificate had issued, and been founded under the act of 1790.' (*Vide* act for the relief of William Vawters's heirs: approved May 25, 1832.)

"By an act of the State of Virginia of May, 1779, officers of the continental and State line of Virginia were placed upon an equal footing in regard to the bounty of the State, half-pay for life, and directed to look for recompense to the State, 'provided Congress did not make some tantamount provision for them.' For the State line, Congress did nothing; but for the continental line it made tantamount provision.

"Owing, in some measure, to Gibson's regiment having been both State and continental, its officers received neither half-pay from Virginia, nor commutation from the United States. In applying to the State, they were referred to the United States; and in applying to the United States, they were referred to the State.

"By the act of July 5, 1832, the claims of the Virginia State line were directed to be liquidated and paid by that State. In that act the regiment of Colonel Gibson was included, and his legal representatives received a certain amount, but not equal to the commutation paid to other officers of the same grade on continental establishment, nor in proportion to what had been paid to subalterns of the same regiment, for whose relief acts have been passed by Congress. The most important question in the whole case seems to be, whether the regiment really belonged to the continental line proper. That such was the case the committee have no doubt, and

they believe that its colonel should be placed upon an equally favorable footing with his subalterns. They think that justice should be even-handed, and that the petitioners are entitled to the same measure that others have received."

Of the truth of this statement, your committee entertain no doubt, and they therefore recommend the passage of the accompanying bill.

They believe that the national spirit is placed upon an equally  
favorable footing with his subjects. They think that justice  
should be even-handed, and that the petitioners are entitled to the  
same measure that others have received.  
Of the truth of this statement your committee entertain no  
doubt, and they therefore recommend the passage of the act  
pending bill.